National Labor Relations Board



Weekly Summary of NLRB Cases

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<u>CASES SUMMARIZED</u> VISIT WWW.NLRB.GOV FOR FULL TEXT

Yonkers Associates, 94 P.L.

Yonkers, NY

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List of Decisions of Administrative Law Judges

CORRECTION: In the November 28, 2003 issue (W-2923), the participating panel for the summary of *Chrill Care*, *Inc.*, 340 NLRB No. 123, on page 1 should be Chairman Battista and Members Liebman and Walsh.

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Yonkers Associates, 94 L.P. (2-CA-27156, 27564; 340 NLRB No. 147) Yonkers, NY Dec. 4, 2003. Granting the General Counsel's motion for summary judgment, the Board deemed the allegations in the compliance specification to be admitted as true, concluded that the net backpay due the discriminatees is as stated in the compliance specification, and ordered the Respondent to pay Jose Borbon \$46,220.29, Francisco Machado \$19,151.73, and Ariel Rivera \$16,294.38. [HTML] [PDF]

The Board had ordered at 319 NLRB 108 (1995) that the Respondent, among other things, make the three discriminatees whole for losses suffered as a result of the Respondent's unfair labor practices in violation of Section 8(a)(5), (3), and (1) of the Act, and that the Respondent reestablish the status quo ante to remedy its unlawful changes in working conditions.

In this supplemental decision, the Board found that the Respondent's responses to the allegations of the compliance specification are general denials of matters within the Respondent's knowledge and that the Respondent failed to file an answer that complies with the Board's Rules and Regulations. It rejected the Respondent's affirmative defense that the status quo ante remedy sought here is unenforceable pursuant to the Second Circuit's opinion in *NLRB v. Staten Island Hotel Limited Partnership*, 101 F.3d 858 (2d Cir. 1996). The Board explained that the record the Respondent seeks to develop would not affect its ruling on the summary judgment motion and that the court's dicta, understood in context, have no bearing on this case.

(Chairman Battista and Members Liebman and Schaumber participated.)

General Counsel filed motion for summary judgment Oct 17, 2001.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

KSL Claremont Resort, Inc., d/b/a Claremont Resort and SPA (Hotel & Restaurant Employees Local 2850) Berkeley, CA November 28, 2003. 32-CA-20417, 20433; JD(SF)-87-03, Judge Mary Miller Cracraft. [HTML] [PDF]

Sara Lee Bakery Group, d/b/a International Baking Company and Earthgrains (Bakery Workers Local 37) Los Angeles, CA December 2, 2003. 21-CA-35073, et al.; JD(SF)-88-03, Judge Gregory Z. Meyerson. [HTML] [PDF]

Connecticut Hospice, Inc. (an Individual) Branford, CT December 3, 2003. 34-CA-10314; JD-130-03, Judge Wallace H. Nations. [HTML] [PDF]

UAW- Daimler Chrysler National Training Center (Office Employees Local 512) Detroit, MI December 4, 2003. 7-CA-46187; JD-134-03, Judge Arthur J. Amchan. [HTML] [PDF]

Great Barrier Insulation Company (Asbestos Workers Local 78) Decatur, AL December 4, 2003. 10-CA-34315; JD(ATL)-80-03, Judge John H. West. [HTML] [PDF]

T-West Sales & Service, Inc., d/b/a Desert Toyota (Machinists Local 845) Las Vegas, NV December 3, 2003. 28-CA-18478, et al.; JD(SF)-86-03, Judge Albert A. Metz.

Tarmac America, Inc. (Operating Engineers Local 487) Ft. Pierce, FL December 5, 2003. 12-CA-22501, 22595; JD(ATL)-81-03, Judge Michael A. Marionese.
